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Bolivia: Decree-Law No. 3464 on Agrarian Reform

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made to the contrary in the articles, members have a right of preference, and in case of reduction of capital, the law provides rules protecting creditors.<sup>12</sup>

The administration is entrusted to one or more "*administradores*" (directors) who are not required to be members. The directors are dismissed freely by a majority, except when they are designated in the articles, in which case the increased majority necessary to modify the charter is required.<sup>13</sup>

The law establishes the principle of equality between members; this is carried to the extreme, which seems to the writer inappropriate, of precluding any participation in benefits except in proportion to the respective shares.<sup>14</sup> The balance is succinctly regulated, rules being provided for valuation of the various types of assets.<sup>15</sup>

The law allows stipulation in the articles for accessory services distinct from the contributions,<sup>16</sup> a German formula little used in practice. But no provision has been made for a system of supervising the administration nor for the protection of minorities. It is interesting to observe that, among the causes of dissolution, no mention is made of the case in which all shares are combined in the hands of a single person, as a result of which it is lawful for the *sociedad* to continue in operation with a sole member.

The works and certain recent articles commenting on the new laws are listed below.<sup>17</sup>

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<sup>12</sup> Arts. 18 and 19.

<sup>13</sup> Arts. 11 *et seq.*

<sup>14</sup> Art. 29.

<sup>15</sup> Art. 28.

<sup>16</sup> Art. 10.

<sup>17</sup> Works: F. de Solá Cañizares, "Las Sociedades de Responsabilidad Limitada en el Nuevo Derecho Español," Editorial Revista de Derecho Privado (Madrid, 1954). P. S. Bullon and H. S. Bullon, *Comentarios a la Ley de Sociedades Limitadas* (1954) and R. Gay de Montellá, *Comentarios de la Ley de Sociedades de Responsabilidad Limitada* (Barcelona, 1954). Articles: J. M. Boix Raspall, "Ley sobre Régimen Jurídico de la Sociedad de Responsabilidad Limitada," *Revista Jurídica de Cataluña* (Barcelona, 1953) No. 6, p. 506. In the same number of this review, see other articles, by Mossa, p. 497; Gay de Montellá, p. 503; Bullon, p. 528; and Piñol Agulló, p. 525.

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BOLIVIA: DECREE-LAW NO. 3464 ON AGRARIAN REFORM was promulgated on August 2, 1953. The extensive preamble recites the reasons which made the measure necessary, including the existence since colonial days of vast tracts (*latifundia*), the practice of personal services imposed on the Indians, a species of peonage, and financial penetration of imperialism. Among other data cited is the fact that 41½% of the rural owners hold 70% of the land.

The outstanding feature of the Bolivian agrarian reform is the distinction it makes between the different regions of the country,—the high plateaux, the valleys, and the sub-tropical zone. In prescribing the areas of the properties

affected, the density of population and the different kinds of farming have been taken into consideration.

The Decree-Law defines the various classes of landed property: property in the public domain, small private holdings, medium size private holdings, property of the Indian communities, co-operative agrarian property, agricultural enterprises and *latifundia*: the last are doomed to disappear. Sundry articles determine the maximum areas permitted for small and medium holdings, according to the various regions and the nature of the farming. The law also regulates the conditions for operation of agricultural enterprises, a mixed regime of share-croppers and wage laborers being permitted.

One of the purposes of the Decree-Law is the return to the Indian communities of lands which have been usurped since 1900. Within each community provision is made for family holdings.

Another fundamental part of the Decree-Law regulates the redistribution of lands subject to expropriation. The rural population working on the land is given a preference to acquire the grant, but a right is given to all Bolivians over 18 years of age, without distinction of sex, to apply for grants. The redistribution will be carried out by the National Service for Agrarian Reform, after study of the natural conditions of the land affected. The expropriated proprietors will be indemnified according to the valuation of their lands in the assessment roll by 25 year bonds bearing interest at the rate of 2% per annum; the farmer-beneficiaries will have the like term within which to pay for the land they receive.

The Decree-Law contains many other related provisions. Among them are some that attempt to correct the problem of infinitesimally small tracts (*minifundia*) which are found in some zones of Bolivia.

Decree No. 3471 of August 27, 1953, regulates the organization and operations of the National Service of Agrarian Reform.

It is too early to speculate on the practical results of this agrarian reform. Nevertheless, one thing stands out: the intensive study of social and agricultural realities that preceded the enactment of the Decree-Law. Although the revolutionary Government that came into power in 1952 proceeded immediately to nationalize the tin mines as it deemed such a measure urgent, the agrarian reform was dealt with at greater leisure and prudence and shows interesting gradations. The draftsmen were well aware of some of the errors that were committed in the Mexican redistribution of land and have attempted to avoid them.

It is within the realm of possibility that this Bolivian Decree-Law may serve as a legislative model for other Hispanic-American countries where similar conditions prevail in respect of lands and indigenous rural population.

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